

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00411-RJC-DCK**

**MICHAEL ALLEN as Administrator for the  
Estate of Juventino Mata Hernandez,**

**Plaintiff,**

**vs.**

**USA HOIST COMPANY, INC.; CAROLINA  
ELEVATOR SERVICE, INC.; GILBANE  
BUILDING COMPANY and GILBANE, INC.,**

**Defendants.**

**ORDER APPROVIING  
WRONGFUL DEATH  
SETTLEMENT**

THIS MATTER comes before the Court on the Petition of the Plaintiff, and with the consent of the Defendants, to approve a wrongful death settlement in this matter (Doc. No. 71). It appearing to the Court, for the reasons set forth in the Petition, after consideration of the arguments of counsel, and the approval of the Settlement Agreement by the Administrator of the Estate and the mother of the minor child, that the Petition should be granted.

**IT IS, THEREFORE, ORDERED** as follows:

1. That the Settlement Agreement attached to the Petition as Exhibit A, is approved.
2. That the Court will create an irrevocable trust for the minor child as described in the Petition and will place said trust under seal.
3. From the settlement amount, the Court approves the following fees and expenses be paid from the settlement proceeds:

Total Recovery	\$2,100,000.00
Less Attorney fees (40%)	-840,000.00
Less reimbursement of costs	-58,079.39
Less repayment of WC lien	<u>-\$98,056.03</u>

NET SETTLEMENT PROCEEDS \$1,103,864.58

4. The net proceeds of the settlement shall be paid into the Irrevocable Trust for the minor sole beneficiary.

5. The Court finds that the attorney fees are reasonable and customary given the time and labor expended; the skill required; the customary fee for like work; the experience or ability of the attorneys; the novelty and difficulty of the questions of law; the adequacy of the representation; the difficulty of the problems faced by the attorney, especially any unusual difficulties; the type of case; and the result obtained. *United Labs., Inc. v. Kuykendall*, 335 N.C. 183, 195, 437 S.E.2d 374, 381–82 (1993); *see also* N.C. R. Prof. Conduct 1.5.

**SO ORDERED.**

Signed: January 31, 2022



Robert J. Conrad, Jr.  
United States District Judge

